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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,536	09/28/2001	Takeyuki Amari	06753.0242-01	3270

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FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

BUI, HUNG S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,536

Applicant(s)

AMARI ET AL.

Examiner

Hung S Bui

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/366,722.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1, 5 and 10 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 5 and 10 of copending Application No. 09/366,722. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. [US 6,040,760] in view of Japan 9-240381.

Art Unit: 2841

Regarding claims 1 and 10, Kataoka et al. disclose an audio rack for vehicle (see figures 4a-c and 7) which a plurality of electrical equipment is removably installable (abstract), comprising:

- a first storage location (see figure 7) accepting a first electrical equipment (35) for accommodating a first electrical equipment having a first width size;
- a second storage location accepting a second electrical equipment (37a) for accommodating a second electrical equipment having a second width size (see figure 7) that is smaller than the first width size of the first electrical equipment locating in the first storage.

Kataoka et al. disclose the instant claimed invention except for: the storage locations being specifically sized to accommodate the electrical equipment to be installed therein.

Japan 9-240381 discloses a console for a vehicle being sized to accommodate electrical equipment of varying sizes.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the storage locations of Kataoka et al. with the design of Japan 9-240381, for the purpose of accepting multiple types of electrical equipments. Regarding claim 2, Kataoka et al. disclose a controller (15, see figure 5) that is disposed in the space at a side of the second storage location within the audio rack that is not occupied by the first and second storage locations; and

- a connection unit (13a), which makes an electrical connection between the first electrical equipment (35) in the first storage location and the controller,

and an electrical connection between the second electrical equipment (37a) in the second storage location and the controller, wherein

- the controller controls the first and second electrical equipment via the connection unit (see column 9, lines 45-50).

Regarding claims 3 and 4, Kataoka et al. disclose multiple connector units (21, see figure 4c) for accepting and connecting the electrical equipment.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. in view of Japan 9-240381 as applied to claim 1 above, and further in view of Sorscher [US 4,807,292].

Regarding claim 5, Kataoka et al. in view of Japan 9-240381 disclose the instant claimed invention except for: guide means provided on the inter surfaces of the storage locations for guiding the electrical equipment into place.

Sorscher discloses a storage location (14, see figure 1) for accepting electrical equipment having guide means (16) provided on an inter surface thereof.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the guide means design of Sorscher in Kataoka et al. in view of Japan 9-240381, for the purpose of aligning the electrical equipment in place.

Allowable Subject Matter

6. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S Bui whose telephone number is (703)305-8024. The examiner can normally be reached on Monday-Friday 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703)308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-0341 for regular communications and (703)305-0341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.

HB

12/14/01



**Jayprakash N. Gandhi
Primary Examiner
Technology Center 2800**